



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
D1W Jan-08

NEIFELD IP LAW, PC
4813-B EISENHOWER AVENUE
ALEXANDRIA VA 22304

COPY MAILED

JAN 28 2008

OFFICE OF PETITIONS

In re Application of	:	
GRADISCHNIG, KLAUS	:	DECISION ON PETITION TO
Application Number: 09/673,905	:	WITHDRAW HOLDING OF
Filing Date: 10/23/2000	:	ABANDONMENT
Atty Docket Number: SIEM0015U/US	:	
	:	

This is a decision on the petitions filed September 28, 2006, and January 18, 2007, which are being treated as a petition to withdraw the holding of abandonment.

The petition is GRANTED to the extent indicated.

On August 22, 2005, the Office mailed a final Office action, which set a three-month shortened statutory period for reply. In the apparent absence of a timely filed reply to the final Office action, the Office mailed a Notice of Abandonment on December 12, 2006.

Petitioner asserts that on February 13, 2006, he filed a continuation application (Application No. 11/352,230; attorney docket no: SIEM0015U-USC1) and a request for an extension of time for response within the third month. Petitioner states that the request for extension of time improperly lists the attorney docket number for the continuation application. Petitioner avers that the request for an extension of time for response within the third month was directed to this application in order to preserve copendency between the applications. Petitioner requests that the record reflect that the application became abandoned on February 23, 2006, at the end of the six-month statutory period for reply. In essence, petitioner seeks copendency between the subject application and the continuation application, No. 11/352,230, filed February 13, 2006.

Petitioner's argument is well-taken. A review of the record reveals that the request for an extension of time for response within the third month and fee, filed February 13, 2006, were correctly matched with the present application as seen in the Image File Wrapper.

As the requested relief has been granted, the \$400.00 and \$1,500.00 petition fees, paid on September 29, 2006, and January 18, 2007, respectively, are unnecessary. The petition fees totaling \$ 1,900.00 will be refunded to the credit card.

Accordingly, Office records will reflect that the subject application became abandoned on February 23, 2006, in favor of co-pending Application No. 11/352,230, filed February 13, 2006.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3211.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions